



Attorney Docket No.: 60277(71699)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT(S):** Harry C. Dietz, et al.

**U.S.S.N.:** 10/714,470

**GROUP ART UNIT:** 1645

**FILED:** November 13, 2003

**EXAMINER:** Not Yet Known

**FOR:** "DETECTION OF A PREDISPOSITION FOR THE DEVELOPMENT  
OF CORONARY ARTERY DISEASE"

**MAIL STOP SEQUENCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO**

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☐ deposited with the United States Postal Service in an envelope addressed to **MAIL STOP  
SEQUENCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. SECTION 1.8(a)**

☐ with sufficient postage as first class  
mail.

**37 C.F.R. SECTION 1.10\***

☒ as "Express Mail Post Office to  
Addressee" Mailing Label No.  
**EV438991601US**  
**(mandatory)**

**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office (703) \_\_\_\_\_

Signature

Date: November 2, 2004

Donna R. Davis

*(type or print name of person certifying)*

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail"  
mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).  
"Since the filing of correspondence under section 1.10 without the Express Mail mailing

**FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE**

*(check and complete this item, if applicable)*

1. ☒ This replies to the Office Letter dated **August 11, 2004**.

*NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the application number from the return post card or the attorney's docket number added.*

☒ A copy of the Office Letter is enclosed.

**IDENTIFICATION OF PERSON MAKING STATEMENT**

2. I, Gregory B. Butler, Ph.D., Esq.  
*(type or print name of person signing below)*

state the following:

**ITEMS BEING SUBMITTED**

3. Submitted herewith is/are:

*(check each item as applicable)*

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. Section 1.821(c) and 37 C.F.R. Sections 1.822 and 1.823.
- B. ☒ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. Section 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. Sections 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. Section 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Application No.:

Group No.:

Filed:

Examiner:

For:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form

"Sequence Identifier"

(other application)

(this application)

*NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. Section 1.821(e).*

E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. Section 1.821(g).

☒ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. Section 1.821(b).

F. ☒ Because this submission is made in fulfilling the requirement under 37 C.F.R. Section 1.821(g), a statement that the submission includes no new matter.

☒ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. Section 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

- A. ☐ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**STATUS**

5. Applicant is

☐ A small entity.

**EXTENSION OF TERM**

6.

*NOTE: "Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec.10, 1985 (1061 O.G. 34-35).*

*NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.*

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b) as applicable)*

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
[ ]	one month	\$ 110.00	\$ 55.00
[ ]	two months	\$ 430.00	\$ 215.00
[ ]	three months	\$ 980.00	\$ 490.00
[ ]	four months	\$1,530.00	\$ 765.00

**Fee \$ \_\_\_\_\_**

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- [ ] An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### **FEE PAYMENT**

8. [ ] Attached is a check in the sum of \$ \_\_\_\_\_.

- [ ] Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

## FEE DEFICIENCY

9.

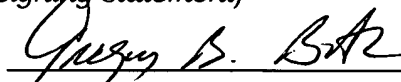
*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

10. [X] If any additional extension and/or fee is required, charge Account No. 04-1105.

### SIGNATURE(S)

Gregory B. Butler, Ph.D., Esq

(type or print name of person  
signing statement)

  
Signature

Date: November 1, 2004

EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, MA 02205

(If applicable)

Tel. No.: (617-439-4444)

463769

- ☐ Inventor
  - ☐ Assignee of complete interest
  - ☐ Person authorized to sign on behalf of assignee
  - ☒ Practitioner of record
  - ☐ Filed under Rule 34(a)
  - ☒ Registration No. 34,558
  - ☐ Other
- (specify identity of person signing)



Attorney Docket No.: 60277(71699)

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**EXAMINER:** Not Yet Known

**FOR:** "DETECTION OF A PREDISPOSITION FOR THE DEVELOPMENT OF CORONARY ARTERY DISEASE"

\*\*\*\*\*

**CERTIFICATE OF EXPRESS MAIL**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," Express Mail Label No. **EV438991601US** addressed to: **MAIL STOP SEQUENCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **November 13, 2004**.

**EV438991601US**

By: \_\_\_\_\_

Donna R. Davis

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**MAIL STOP SEQUENCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

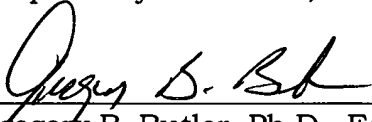
In response to the "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" dated August 11, 2004, transmitted herewith for filing in the above-referenced patent application are the following documents:

- 1) A **copy** of Part 2 of the Formalities Letter (PTO Form 1533);
- 2) Letter re the submission of Sequence Listing (6 pages) together with an amendment pertaining thereto;
- 3) Statement to Support Filing and Submission of Sequence Listing;
- 4) Twelve (12) sheets of Sequence Listing(s) together with a diskette containing the same in Computer Readable Form (CRF);
- 5) This Transmittal Letter; and
- 6) Return Postcard.

Filed concurrently herewith addressed to **Mail Stop Missing Parts** using the "express mail" procedure , is/are the response to the August 11, 2004 "*Notice to File Missing Parts of Nonprovisional Application*," (together with a One-Month Extension of Time) and related filing papers.

The Commissioner is hereby authorized to charge any excess fees that may be required, or credit any overpayment to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
Gregory B. Butler, Ph.D., Esq.  
Reg. No.: 34,558  
EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
Tel.: 617-439-4444  
Fax: 617-439-4170  
Customer No.: 21874

Date: November 1, 2004



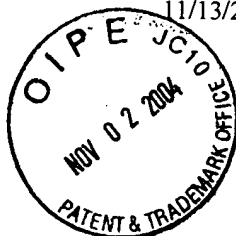


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/714,470	11/13/2003	Harry C. Dietz	60277 (71699)

Edwards & Angell, LLP  
P. O. Box 9169  
Boston, MA 02209



CONFIRMATION NO. 2491

FORMALITIES LETTER



\*OC00000013500667\*

Date Mailed: 08/11/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/04/2004 MBLANCO 00000005 041105 10714470 FILED UNDER 37 CFR 1.53(b)

01 FC:1051 130.00 DA  
02 FC:1201 88.00 DA

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$216** for a Large Entity

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$86**
  - **\$86** for 1 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE